

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS

UNITED STATES OF AMERICA,)
EX REL.HICHEM CHIHI, <i>et al.</i> ,)
)
<i>Plaintiff-Relator,</i>) Judge Charles R. Eskridge III
)
v.) Civil Case No. 4:18-cv-00123
)
CATHOLIC HEALTH INITIATIVES,)
<i>et al.,</i>)
)
<i>Defendants.</i>)

**RELATOR'S UNOPPOSED MOTION FOR
APPROVAL OF PARTIES' STIPULATED
AMENDED BRIEFING SCHEDULE**

Plaintiff-Relator Hichem Chihi, by his attorneys, respectfully moves this Court for approval of the parties' stipulated modified briefing schedule set forth below. A proposed order to that effect is attached as Exhibit A.

1. On November 16, 2020, Defendants filed motion to dismiss in this case totaling 28,114 total words and raising many complex grounds for dismissal of Plaintiff's complaint. Dkts. 302 & 303.
2. Pursuant to the Court's January 10, 2020 order, Relator's response in opposition to dismissal was initially due on New Year's Eve, December 31, 2020, with Defendants' reply briefs due 14 days later, on January 14, 2021. *See* Dkt. 261. This Court granted the parties' stipulation to a proposed amended briefing schedule, which set a deadline of January 11, 2021, for

Relator's response brief, and February 4, 2021, for Defendants' replies. Dkt. 305.

3. Due to an unexpected family health emergency this week for counsel that remains ongoing, Relator seeks an additional four days, until January 15, 2021, to file Relator's response. The parties have agreed and stipulated to a second proposed amended briefing schedule pursuant to which all parties would have an additional four days in which to file their briefs. The stipulated briefing schedule would set January 15, 2021 as the deadline for Relator's brief, and February 12, 2021, for Defendants' replies.

4. Good cause exists for this agreed modification to the briefing schedule given Relator's counsel's ongoing family health emergency, and to enable the parties to properly present their arguments to the Court on the complex issues raised by Defendants' motions to dismiss, which seek the dispositive relief of dismissal of Relator's claims in their entirety.

5. This is the second stipulated proposed extension sought for to the briefing schedule. However, the extension sought is brief (only four days for each party), and this motion is brought in good faith, due to unforeseen family health issues. No party will be prejudiced by the amended schedule, and all parties have stipulated to it.

6. Accordingly, Relator asks the Court to approve the parties' stipulated modified briefing schedule for the motions to dismiss.

WHEREFORE, Relator asks that this Court grant the following relief:

- Adopt and approve the parties' stipulated modified briefing schedule, pursuant to which:
 - Plaintiff's response to the motions to dismiss shall be due January 15, 2021.
 - Defendants' replies in support of their motions to dismiss shall be due February 12, 2021.

A proposed order to that effect is attached as Exhibit A.

Dated: January 7, 2021

Respectfully submitted,

By: /s/ Ruth Brown
Ruth Brown
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CERTIFICATE OF CONFERENCE

I, Ruth Brown, certify that I conferred with counsel for the following Defendants, who all confirmed on January 7 that Defendants are unopposed to the relief sought in this motion and stipulate to the agreed modified briefing schedule set forth therein:

- Defendants Catholic Health Initiatives and CHI-St. Luke's Health (Attorney Kevin Coffee)
- Defendants Dr. Livesay and Surgical Associates of Texas (Attorney Wayne Clawater)
- Defendants Leachman Cardiology Associates, Zvonimir Krajcer, M.D., Dewitt Leachman, M.D. and Alberto Lopez, M.D. (Attorney Chad Geisler)
- Defendants Pulmonary Critical Care and Sleep Medicine Consultants, Inc., Carl Dahlberg, M.D., Alberto Colomer, M.D., Jose Santacruz, M.D. and Andres Mesa, M.D. (Attorney John P. Scott)
- Defendants Houston Thyroid & Endocrine Specialists, Medhavi Jogi, M.D., Fareed Elhaj, M.D., Lazaro Cherem, M.D., and Brian Douglas, M.D. (Attorney Ryan Wozny)
- Defendants Alan Hoffman, M.D., Irving Fishman, M.D., Cristina Boccalandro, M.D., Texas Endocrinology Group, P.A.,

Ron Moses, M.D., Richard Hung, M.D., and the Center for ENT.

(Sam Houston)

- Defendant Bone and Joint Clinic of Houston (Kay Hazlewood)
- Defendants Baylor College of Medicine and Baylor College of Medicine Healthcare, d/b/a Baylor Medcare, Ramanchandra Sista, M.D., and Marcia Katz, M.D. (Sara Brinkmann)
- Defendants Naavneet Singh, M.D., Kidney and Hypertension Consultants, Kidney Associates, Greater Houston Gastroenterology, and Isaac Rajman, M.D. (Attorney Lauren Virene)

By: /s/ Ruth Brown

Counsel for Plaintiff Hichem Chihi

CERTIFICATE OF SERVICE

I certify that on January 7, 2021, the above and foregoing Unopposed Motion was electronically filed with the Clerk of the court using the CM/ECF system, which will send notification to the attorney(s) of record in this matter.

By: /s/ Ruth Brown
Counsel for Plaintiff Hichem Chihi